



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1857  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,754	11/21/2001	Darcy J. McCulloch	049681-5003	9659

28089 7590 02/07/2006

WILMER CUTLER PICKERING HALE AND DORR LLP  
399 PARK AVENUE  
NEW YORK, NY 10022

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,754

Applicant(s)

MCCULLOCH, DARCY J.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on December 14, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Remarks**

1. The Amendment filed on December 14, 2005 has been received and entered. Claims 1-37 are now pending.

### ***Claim Objections***

2. Claims 20-21 are objected to because of the following informalities:

Claims 20 is objected to as failing to set forth the subject matter which applicant(s) regard as their invention. Applicant's language of "enabling" or "causing" a computer to do something - is not prohibiting and does not cause any functionality to occur in the computer and thus failing to particularly point out and distinctly claim their invention (it's unclear what Applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring). It is basically stating that the capability is now allowed to the user not making it a definite action that must take place.

Claim 21 is dependent on claim 20 and carries the same deficiency.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for

patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by LEVICHIN et al. (WO 00/67177).

As to claim 1, LEVICHIN et al. discloses a computer-aided method for tracking and storing network-based transactional data, the method comprising:

- (a) identifying a plurality of users by respective user identifiers (See page 2, lines 28-30, wherein "user identifier" reads on "electronic email addresses and social security numbers");
- (b) storing the user identifiers in a first database (See page 13, lines 8-22);
- (c) associating a transaction identifier with a transaction between at least two users having user identifiers (See page 13, lines 23-33);
- (d) storing the transaction identifier, the user identifiers of the at least two users involved in the transaction, and transactional data relating to the transaction in a second database is accessible by each of the at least two users involved in the transaction (See page 12, lines 3-27);
- and
- (f) updating the transactional data that is at least partially accessible by each of the at least two users involved in the transaction (See page 18, lines 20-33, and see page 19, lines 1-24).

As to claims 2, and 25, LEVCHIN et al. discloses wherein each user identifier is unique (See page 2, lines 28-30, wherein "user identifier is unique" reads on "electronic email addresses and social security numbers").

As to claims 6, and 27, LEVCHIN et al. discloses wherein each transaction identifier is unique (See page 2, line 22-28, wherein "unique" reads on "stored on each user's client" and associated by identifier with user's account which is too a unique identifier of the user).

As to claims 3, and 26, LEVCHIN et al. discloses wherein the user includes a primary user having one or more sub-users (See page 5, line 8-9, wherein "sub users" reads on "multiple users or accounts associated with an identifier").

As to claim 4, LEVCHIN et al. discloses wherein storing the user identifiers in the first database further comprises storing one or more user identity information in the first database (See page 2, lines 28-30, wherein "user identifier" reads on "electronic email addresses and social security numbers").

As to claim 5, LEVCHIN et al. discloses wherein the user identifiers and the one or more identity information are stored in the same database record (See page 2, lines 1-4, wherein "identity information" reads on "user account" and wherein "database record" reads on "registration with server").

As to claim 7, LEVCHIN et al. discloses comprising providing the transaction identifier to the users involved in the transaction (See page 14, lines 20-33).

As to claim 8, LEVCHIN et al. discloses comprising associating at least one surrogate identifier with the transaction identifier and providing the at least one surrogate identifier to the at least two users involved in the transaction (See page 10, lines 29-33, and page 11, lines 1-5, wherein “surrogate identifier” reads on “indirect transfer”).

As to claim 9, LEVCHIN et al. discloses wherein the transaction between the at least two users is distinct (See page 18, lines 20-33, and see page 19, lines 1-24).

As to claims 10, and 12, LEVCHIN et al. discloses wherein the transaction between the at least two users includes transactions having one or more stages (See page 7, lines 8-31).

As to claim 11, LEVCHIN et al. discloses wherein the transaction between the at least two users is conducted in a network environment (See page 2, lines 1-6, wherein “network” reads on “web”).

As to claim 13, LEVCHIN et al. discloses wherein the transactional data includes information about the status of the transaction (See page 7, lines 8-31).

As to claim 14, LEVCHIN et al. discloses wherein storing the transaction identifier, the user identifiers of the users involved in the transaction, and transactional data in the second database includes creating a transaction record in the second database and formatting the transaction record according to the characteristics of the transaction (See page 13, lines 23-33, and see page 14, lines 1-25).

As to claims 15, and 30, LEVCHIN et al. discloses wherein the characteristics of the transaction include anticipated stages of the transaction (See page 7, lines 8-31).

As to claim 16, Musgrove et al. as modified discloses further comprising providing the at least two users access to at least some of the transactional data in a network environment (See page 2, lines 8-21, wherein “network” reads on “web”).

As to claim 17, LEVCHIN et al. discloses wherein providing the transactional data in the network environment includes enabling the users to access the transactional data at a Web site (See page 17, lines 1-33).

As to claim 18, LEVCHIN et al. discloses further comprising providing the transaction identifier to the at least two users and enabling the at least two users to access at least some of the transactional data using the transaction identifier (See page 18, lines 20-33, and see page 19, lines 1-24).

As to claim 19, LEVCHIN et al. discloses wherein enabling the users to access at least some of the transactional data using the transaction identifier includes enabling the users to access the transactional data in a network environment (See page 18, lines 20-33, and see page 19, lines 1-24).

As to claim 20, LEVCHIN et al. discloses enabling the at least two users to access at least some of the transactional data using the at least one surrogate transaction identifier (See page 22, lines 1-9, also see page 24, lines 1-11).

As to claim 21, LEVCHIN et al. discloses wherein enabling the at least two users involved in the transaction to access at least some of the transactional data using the at least one surrogate transaction identifier includes enabling the users to access the transactional data in a network environment (See page 22, lines 1-9, also see page 24, lines 1-11).

As to claim 22, LEVCHIN et al. discloses wherein updating the transactional data includes updating the transactional data during the course of the transaction (See page 7, lines 8-31).

As to claim 23, LEVCHIN et al. discloses wherein updating the transactional data includes storing additional transactional data and changing current transactional data, whereby previously written data is retained (See page 13, lines 23-33, and see page 14, lines 1-25).



As to claim 24, LEVCHIN et al. discloses a computer-aided transaction processing system for documenting transactions conducted in a network environment, the system comprising:

a first database for storing a respective user identifier and identity information for at least two users (See page 2, lines 28-30, wherein "user identifier" reads on "electronic email addresses and social security numbers", also see page 13, lines 8-22);

an information processing system for managing a transaction between the at least two users, wherein a transaction identifier is associated with the transaction (See page 13, lines 23-33); and

a second database for storing a database record, wherein the database record contains the transaction identifier, user identifiers of the at least two users involved in the transaction (See page 12, lines 3-27), and corresponding transactional data, and wherein at least some of the corresponding transactional data contained in the database record that is stored in the second database is accessible by each of the at least two users involved in the transaction (See page 18, lines 20-33, and see page 19, lines 1-24).

As to claim 28, LEVCHIN et al. discloses wherein the transactional data includes data from one or more stages of the transaction (See page 7, lines 8-31).

As to claim 29, LEVCHIN et al. discloses wherein the database record in the second database is formatted according to the characteristics of the transaction (See page 13, lines 23-33,

and see page 14, lines 1-25).

As to claim 31, LEVCHIN et al. discloses wherein the database record is updated during the course of the transaction (See page 13, lines 23-33, and see page 14, lines 1-25).

As to claim 32, LEVCHIN et al. discloses wherein the database record is updated by storing additional transactional data, changing transactional data, and voiding transactional data (See page 7, lines 8-31, also see page 8, lines 10-25).

As to claim 33, LEVCHIN et al. discloses wherein the at least two users are provided access to at least some of the transactional data stored in the database record (See page 15, lines 19-30).

As to claims 34, and 36, LEVCHIN et al. discloses a computer program product comprising computer readable program code for documenting transactions conducted in a network environment, comprising:

computer readable program code means for storing a unique user identifier and identity information for at least two users in a first database (See page 2, lines 28-30, wherein "unique user identifier" reads on "electronic email addresses and social security numbers");

computer readable program code means for managing transactional data associated with a transaction between the at least two users, wherein the transaction is identified by a unique transaction identifier (See page 8, lines 10-25);

computer readable program code means for storing the transaction identifier, user identifiers of the at least two users involved in the transaction, and corresponding transactional data in a second database (See page 7, lines 8-31, also see page 8, lines 10-25);

computer readable program code means for enabling each of the at least two users involved in the transaction to access at least some of the transactional data stored in the second database (See page 7, lines 8-31).

As to claims 35, and 37, LEVCHIN et al. discloses wherein the computer readable program code means for managing transactional data associated with the transaction between the at least two users includes computer readable program code means for updating the transactional data (See page 7, lines 8-31, wherein “updating” reads on “Synchronization”).

### *Response to Arguments*

5. Applicant's arguments filed on December 14, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that “LEVCHIN et al. does not show or suggest (b) storing ...user identifiers in a first database and (d) storing the transaction identifier, the user identifiers...and transactional data... in a second database” is considered but does not deemed to be persuasive.

The Examiner refers to LEVCHIN et al. who teaches plurality of databases and plurality of storage devices on page 2, lines 20-21. LEVCHIN et al. teaches user identifiers (examples

include user accounts, passwords) are established and stored at the server (an example of first database) on page 5, line 1, as well as, having user related and transaction related information stored in a central database (an example of second database) as taught on page 6, lines 29.

LEVCHIN et al. also teaches on page 7, lines 13-20, a synchronization server configured to synchronize information stored on the system with user's client local database, hence, yet another database with information related to the user and transaction.

It is well known when synchronizing between two remote devices, there's an actual exchange of information between two storage devices (i.e. databases) whether they are between two users directly or between a local database and a server as shown in LEVCHIN et al. Figures 1 and 2.

In response to applicant's argument that "LEVCHIN et al. does not show or suggest storing... transactional data relating to transaction... wherein at least some of the transactional data ...is accessible by each of the at least two users involved in the transaction" is considered but does not deemed to be persuasive.

First, The Examiner likes to emphasize that "at least some" is indicating that at any phase, during the transaction process, some of the information and not necessarily the same exact information (simultaneous view) is accessible by more at one user involved in the transaction. Secondly, "Accessible" is defined by www.dictionary.com as simply: capable of being read with comprehension. Nowhere in that definition nor in the claim language does it indicate the positive action taking place apart from having the capability nor does it indicate that the action is actually taking place simultaneously by two users of the system at the same time at the same viewing.

Having the capability of accessing information in itself is not a positive or a definite recitation of the action actually being preformed. The Applicant argued on page 9, LEVCHIN et al. does not show “both users involved in the transaction having access to the same transactional data relating to the transaction”. The Examiner disagrees by pointing out that none of the independent claims state “having access to the same transactional data at the same time”. LEVCHIN et al. clearly teaches that USER 1 and USER 2 both involved in value exchange system have access to synchronized information relating to the transaction taking place between them as taught on page 10, lines 25-26. On page 14, lines 20-28, LEVCHIN et al. teach transaction related information being accessible and deliverable to both USERS involved in the transaction, they both have access to their accounts value and transaction related status updated (See LEVCHIN et al. page 18, lines 22-25); therefore, broadly interpreted to read on the argued limitation.

In response to applicant’s argument that “LEVCHIN et al. does not show or suggest UPDATING the transactional data that is at least partially accessible by each of the at least two users involved in the transaction” is considered but does not deemed to be persuasive.

The Examiner points to LEVCHIN et al. Figure 2, block 216, and page 18, lines 22-25, show both USER 1 and USER 2 having access to updated transaction information “transaction closes” at their respective devices as synchronization take place.

In response to applicant’s argument that “LEVCHIN et al. does not show or suggest associating at least one surrogate identifier with the transaction identifier and providing the at

least one surrogate identifier to the at least two users involved in the transaction” is considered but does not deemed to be persuasive.

According to Applicant's own disclosure paragraph 0077: Each party may use a surrogate identifier, such as purchase order number or invoice number, that directly correlates to the Unique Transaction Identifier to access the Transaction Database. Which is no different than LEVCHIN et al. teaching on page 17, line 12 "account name" broadly interpreted to composed of either order number or invoice number or strictly an account title or LEVCHIN et al. on page 19, line 24, "Both users' client devices are updated with their new account balances" broadly interpreted to be that both users have access to transaction information at the same time. Furthermore, LEVCHIN et al. on page 22, line 4-9, teaches Common identifier associated with the user and transaction i.e. user maybe known by an account number or another other identifiers that are distinct thereby representing a surrogate identifier broadly interpreted to read on the argued limitaion.

In response to applicant's argument that “LEVCHIN et al. does not show or suggest wherein the transactions having one or more stages” is considered but does not deemed to be persuasive.

The Examiner points to LEVCHIN et al. who clearly teaches on page 15, lines 26-27, both client devices for USER1 and USER 2 are updated according to the transaction. Therefore, clearly having access to the same information at the same time as the transaction enters its respective stages. In keeping with Applicant's own definition of the one or more stages of a transaction in the specification, paragraph 0058: For example, the exemplary transaction 350

between a buyer 310 and seller 320 graphically depicted in FIG. 5 contains the following stages 370: An offer 371 by the buyer 310; a counter-offer 372 by the seller 320; acceptance 373 of the terms; payment 374 by the buyer 310; a dispute 375 between the parties; and delivery 376 of the product; and, specification paragraph 0081 discloses: As a particular transaction progresses through various stages (e.g. negotiation, offers, and counter-offers), the system of the present invention automatically updates the record 610 that corresponds to the particular transaction.

Thus, in accordance with the specification definitions, LEVCHIN et al. indeed teaches the argued limitation. See Levchin page 14, lines 22-24 wherein "amount of transfer" related to the transaction is payment between USER1 (buyer) and USER2 (seller); also see LEVCHIN et al. page 15, lines 10-11, wherein receiving or submitting "payment" accessible to the users is taught; another reference to the stages of transaction (approval) as being accessible to the users of the system is taught in LEVCHIN et al. on page 15, lines 17-18.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
January 31, 2006

*Adm 13*  
Apr. 13/06  
Primary Examiner  
Technology Center 2400